

RFP No. SOL-440-17-000001
ISSUANCE DATE: December 8, 2016
CLOSING DATE: January 9, 2017
4:00 p.m. Hanoi, Vietnam Local Time

SUBJECT: RESOLICITATION: Request for Proposals (RFPs) for U.S. Personal Services Contractor (PSC) – Environmental Remediation Specialist, USAID/Vietnam.

To All Interested Applicants:

The United States Government, represented by the U.S. Agency for International Development (USAID), is seeking proposals (Optional Form 612's) from **U.S. citizens** interested in providing the PSC services described in the attached.

Submissions shall be in accordance with the attached information and delivered to the undersigned in accordance with the specified requirements.

Applications should include the following:

1. Cover letter or written statement that addresses the Evaluation/Selection Criteria in this solicitation;
2. Most current curriculum vitae (CV) or resume;
3. Salary history for the prior three years captured in a Contractor Employee Biographical Data Sheet (AID 1420-17 form available at <https://www.usaid.gov/forms/aid-1420-17>);
4. Contact information (telephone numbers and email addresses) for at least three references with knowledge of the applicant's prior work skills; and,
5. Optional Form 612 available at <http://federalgovernmentjobs.us/forms/of612.pdf>

Applications shall be submitted electronically via email to Ms. Hoa Hoang at hoahoang@usaid.gov, and myself at dharter@usaid.gov by the closing date and time indicated above. Late applications will not be considered. Form OF 612, Optional Application for Federal Employment and Contractor Employee Biographical Data Sheet (AID 1420-17) must be signed. Scanned copies are accepted by e-mail. Applicants should retain for their record copies of all enclosures which accompany their application.

Only short listed candidates will be contacted. The award of a contract hereunder is subject to the availability of funds. Any questions regarding this position should be sent to Ms. Hoa Hoang at hoahoang@usaid.gov, and myself at dharter@usaid.gov.

Sincerely,

/s/

Daniel E. Harter
Contracting Officer
USAID/Vietnam/OAA

Attachments:

Attachment 1: Position Description and Requirements;
Attachment 2: PSC Contractor Benefits;
Attachment 3: Dual Citizenship Policy.

ATTACHMENT 1: Solicitation Requirements and Position Description

- 1 **SOLICITATION NUMBER:** SOL-440-17-000001
- 2 **SOLICITATION DATE:** December 8, 2016
- 3 **CLOSING DATE/TIME SPECIFIED FOR RECEIPT OF APPLICATIONS:** January 9, 2017 at 4:00 p.m. Hanoi, Vietnam Local Time
- 4 **POSITION TITLE:** Environmental Remediation Specialist (ERS), USAID/Vietnam
- 5 **NUMBER OF CONTRACTORS RECRUITED:** One (1) to two (2)
- 6 **MARKET VALUE OF POSITION:** GS-14 equivalent (\$87,263 – \$113,444). Salary to be paid within this grade will depend on experience, qualifications, and salary history. The standard compensation package also includes a contribution for life and health insurance and a contribution to FICA. If the selected candidate qualifies as an off-shore hire under USAID regulations, the employee will additionally receive post differential approved for Hanoi, Vietnam (currently set at the rate 20% of base pay), housing, international travel, shipment benefits, and other applicable allowances.
- 7 **PERIOD OF PERFORMANCE:** One to two contractors to start o/a March 2017 for an initial 2 year period with 3-one-year extension options. The option years may be exercised depending on the need for continuation of such services, availability of funds, satisfactory performance, and the needs of the Environment and Social Development Office (ESDO), USAID/Vietnam.
- 8 **PLACE OF PERFORMANCE:** Hanoi, Vietnam, with travel within Vietnam and the Regional Development Mission for Asia (USAID/RDMA) in Bangkok as required.
- 9 **SECURITY ACCESS:** Secret Level
- 10 **AREA OF CONSIDERATION:** U.S. Citizens only; also please read Attachment 3 to this solicitation on Dual Citizenship.
- 11 **JOB DESCRIPTION:**

A. Position Title: Environmental Remediation Specialist (ERS), USAID/Vietnam

B. Organizational location of the position: Hanoi, Vietnam

C. Position Title of Direct Supervisor: Director, Environment and Social Development Office, USAID/Vietnam

D. Supervisory Controls: The incumbent will report directly to the Director of USAID/Vietnam's Environment and Social Development Office (ESDO). The incumbent will operate in close communication with USAID's Asia Bureau Environmental Officer in Washington D.C. and the Regional Environmental Advisor for Agent Orange related issues to assure compliance with environmental procedures of the Foreign Assistance Act (22 CFR 216). The work is complex and highly visible to the USG, host-country, and international actors, requiring continuous exercise of expert judgment, tact, and professional discretion.

E. Introduction and Background:

Overview of Environmental Remediation in Vietnam

The airports at Da Nang, Bien Hoa, and Phu Cat have been referred to as dioxin "hotspots" due to high dioxin concentrations remaining decades after large volumes of Agent Orange and other defoliants were handled at these sites. The Government of Vietnam (GVN) has requested assistance from the United States (U.S.) to remediate dioxin-contaminated soil and sediment at Da Nang, and from other donors on Phu Cat and Bien Hoa.

Pursuant to inter-agency discussions and agreements reached in early 2008, the United States will continue to support environmental remediation efforts in targeted areas throughout the Socialist Republic of Vietnam and will include as a high priority support for environmental remediation efforts in areas where large quantities of dioxin were stored and handled during the Vietnam War.

Within the USG, USAID was designated as the lead agency to implement these remediation assistance programs in Vietnam. USAID cooperates closely with other USG agencies in remediation activities, including the Department of State (State) and the U.S. Environmental Protection Agency (EPA).

Our assistance to Vietnam will be part of a multilateral effort requiring the closest possible cooperation and coordination with international agencies, other donors, non-governmental organizations (NGOs) and public and private foundations. This assistance aims to help the GVN to implement their obligations under the Stockholm Convention on Persistent Organic Pollutants (POPs) and the priorities under the National Implementation Plan for the Stockholm POPs Convention. USAID program and project activities seek to closely coordinate with the United Nations Development Programme (UNDP) and other donors.

USAID/Vietnam Environmental Remediation Program

Danang Airport

In 2008 the USG and the GVN agreed, as their top priority on remediation efforts, to focus on Da Nang. In 2010, USAID completed an Environmental Assessment (EA) to determine the most environmentally sound and cost-effective method for remediation of the Da Nang hotspot. The EA recommended thermal desorption treatment.

The Da Nang remediation project was accepted by the country's Prime Minister and approved by the Ministry of National Defense (MND), the GVN agency responsible for environmental remediation on air bases. Designs for the project were developed, along with associated health, safety, and monitoring plans. The project has been designed to meet dioxin cleanup standards applicable in Vietnam and the United States.

In August 2012, the implementation of the Environmental Remediation of Dioxin at Danang Airport project was launched. The cleanup activities are estimated to be complete in 2018. The soil will then be safe for industrial, commercial, and residential use according to GVN standards.

The Danang Airport remediation project is implemented by three contractors managing construction management and oversight, excavation and construction, and the thermal desorption construction and remediation. GVN capacity-building is an important component of the project.

Bien Hoa

Bien Hoa is the largest and most complex of the three hotspots, and the GVN during consultations specifically sought USG assistance in terms of containment and remediation of that site in coordination with the GVN and other donors engaged there. As an interim containment measure, the GVN has already constructed a landfill, excavated a large portion of the contaminated soil on the airbase and deposited it in the landfill. In a joint GVN –UNDP environmental remediation project, three remediation technologies were piloted and additional interim containment measures were implemented.

USAID completed an environmental assessment (EA) at the Bien Hoa airbase in 2016 to better understand the nature and extent of dioxin contamination on and around the airport and to evaluate potential remediation strategies. Based on the EA's recommendations and funding availability, follow-on activities may be designed and implemented. The EA will be coordinated with other donors and multilateral actors under the GVN leadership.

F. Position Description:

The ERS is a USAID/Vietnam technical subject matter expert on toxic substances/hazardous waste remediation. As an important member of the USAID/Vietnam Mission team, the ERS will serve as the USAID/Vietnam principal and lead official in the process of the toxic substances/hazardous waste remediation strategy, providing highly specialized technical expertise to provide technical direction to remediation contractors, develop program responses, and design specific activities. The ERS will guide and monitor implementation of the entire range of interventions in toxic substances/hazardous remediation in targeted areas of Vietnam as determined by USG and GVN consultations and agreement. The ERS will collaborate and consult closely with other partners in the USG and GVN, as well as other international organizations, non-governmental organizations, contractors and technical specialists to implement all components of this assistance. The ERS will manage contracts for toxic substances/hazardous waste remediation activities, as assigned by the ESDO Director, including the evaluation of these activities.

G. Major Roles and Responsibilities: The ERS shall perform the following roles and responsibilities:

1. Serve as the Contracting Officer's Representative (COR) for toxic substances/hazardous waste remediation programs. Provide administration and oversight for these contracts, including monitoring

activities through site visits and the review of work plans and progress reports; tracking expenditures and financial accruals against obligations; preparing funding documents, and reporting program results. Monitor and evaluate performance of implementing partners and monitor activity progress against performance indicators and targets. Oversee implementation of the toxic substances/hazardous waste remediation program in compliance with applicable USG and applicable local regulations. The ERS will also prepare Statements of Works (SOWs) and support development of procurement documents and assist in the contracting process, including participation in Technical Evaluation Committees for responses to solicitations for the planned procurements, etc. in close cooperation with the Contracting Officer.

2. As part of the U.S. Mission team, including the ESDO Director and senior Mission personnel and the U.S. Embassy, coordinate activities with the other USG agencies, GVN, international donors and organizations, NGOs, and others interested in or impacted by the program. Oversee the preparation of responses to inquiries, fact sheets and informative reports. Maintain effective communication, build strong partnerships and support strengthening of local capacities in environmental remediation.
3. With technical and administrative support, prepare and coordinate the review of program planning and reporting documents such as concept papers, project approval documents, assistance checklists, operational plan documents, performance reports, and other needed planning and reporting documents for the environmental remediation and other environmental activities, as designated. Ensure proper coordination and review of these documents with other offices, including Regional Legal Advisors, Regional Office of Procurement, and etc.
4. Serve as an expert on toxic substances/hazardous waste remediation matters, providing expert counsel and advice on environmental remediation impacts, cleanup standards and technology. Serves on donor coordinating groups related to environmental remediation, briefs senior USG and GVN officials, and responds to inquiries.
5. Supervise and/or mentor at least one Foreign Service National (FSN) 11 - Development Assistance Specialist (or Environmental Specialist).
6. Other duties as assigned.

H. Available Guidelines:

The incumbent is required to understand Mission and Agency-specific policies and procedures that govern Project Activity Management in addition to the USAID/Vietnam established administrative operating procedures, policies and formats. Oral guidance from the immediate Supervisor and specific detailed instructions will be given (when necessary) for carrying out unique assignments. The incumbent will be required to be proactive in keeping abreast of evolving guidelines and policies which affect overall program activities, including but not limited to the Automated Directives System (ADS), Mission Orders/Mission Notices, USG Procurement regulations, and USAID Program Strategy and Policy Documents. In addition, the Director of USAID/Vietnam/ESDO, USAID/Vietnam team members, USAID/RDMA technical support staff in Bangkok and counterparts in USAID/Washington are available as resources to provide advice and guidance.

I. Exercise of Judgment:

In instances not clearly covered by written guidelines, the incumbent will use her/his own personal, well-informed judgment in devising innovative approaches to resolving technical, administrative, managerial and/or policy problems. Excellent, balanced judgment must be exercised in setting priorities. The use of initiative, discretion and patience is expected from the incumbent in dealing with USAID/Vietnam office and RDMA office personnel as well as representatives from other donor organizations to resolve problems that arise during the course of work for which there is often no clear or immediate solution. In addition, considerable judgment is required in working effectively with officials of the Ministries and the private sector, in overseeing contractor activities and coordinating multi-sector efforts in support of USAID/Vietnam development objectives, and in collecting, analyzing and reporting on progress of activities and recommending project actions. The incumbent will also be required to follow and adhere to the Agency's Code of Ethics and Conduct.

J. Limitations on Personal Services Contracts.

Personal services contracts may only be used when adequate supervision is available.

1. They may not supervise U.S. direct-hire employees of USAID or other U.S. Government agencies. They may supervise USPCS and non-U.S. citizen employees.

2. They may not be designated as Contracting Officers or delegated authority to sign obligating or sub-obligating documents.
3. They may represent the agency, except that communications that reflect a final policy, planning or budget decision of the agency must be cleared by a USDH employee.
4. They may participate in personnel selection matters, but may not be delegated authority to make a final decision on personnel selection.

K. Nature, Level and Purpose of Contacts:

The incumbent will be required to work closely with USAID/Vietnam staff, US Embassy in Hanoi and US Consulate staff in Ho Chi Minh City, national government officials (at the Senior Level and below) and NGO officials (such as Directors of NGOs and community organizations), private sector representatives, and other foreign donor institutions (i.e., United Nations, and etc.). The purpose of the contact will be to: 1) maintain open lines of communication in support of remediation issues; 2) maintain regular communications regarding the timely management of activity functions and procedures; and 3) collect, obtain, and verify factual information pertaining to program/project planning and implementation; The purpose of contacts will range from simple information gathering to assisting in the development of complex programs and documents with various partners. Consultations between the incumbent and partners can be held for explaining and assisting with strategizing project proposals and objectives, securing cooperation, resolving problems, obtaining or furnishing information, and persuading USAID staff and counterparts to take actions and accept recommendations.

L. Authority to Make Commitments: The incumbent will have no independent authority to commit funds on behalf of the U.S. Government.

M. Time Required to Perform Full Range of Duties: The incumbent must be able to perform the full range of duties upon arrival at Post. The incumbent will perform the range of duties for a period of two years.

N. Minimum Requirements and Qualifications: (Determines basic eligibility for the position. Candidates not meeting the basic qualifications are considered NOT qualified for the position.)

a) Requirements

1. US citizenship;
2. In possession of, or able to obtain, a secret security clearance. The successful applicant must be able to receive USAID security clearance that involves applicant's comprehensive background investigation performed by a US Government Agency.
3. In possession of, or able to obtain, a medical clearance. The successful applicant must receive medical clearance for serving in Hanoi, Vietnam. Details of how to obtain US Department of State Medical Unit medical clearance will be provided once a job offer is made and accepted.

b) Qualifications:

1. Education and Experience

- a. Bachelor of Science is required (Master of Science or greater is preferred) in environmental engineering, environmental science, geology, chemistry or closely related field;
- b. A minimum of five (5) years of experience in environmental protection and impact assessment, toxic substance/hazardous waste remediation, and site restoration (registration with professional associations related to environmental management and/or environmental engineering preferred; prior experience with relevant US Environmental Protection Agency programs, such as Superfund, strongly preferred);
- c. A minimum of five (5) years of professional experience in progressively more responsible positions as a project or program manager, Chief of Party (COP), activity manager, or Contracting Officer's Representative (COR);
- d. Experience with international (e.g. international environmental conventions such as Stockholm POPs), or domestic work involving communications, negotiations, mediation, meeting facilitation, public consultations and public relations experience dealing with technical and scientific subject matter, and/or experience in managing public environmental programs related to toxic substances/hazardous waste remediation activities;
- e. Experience and understanding of environmental engineering design concepts, US and international best practices for toxic substances/hazardous waste regulations, assessments/remedial investigations, remedial actions and management, and procurement requirements for such services;
- f. Overseas professional experience in environmental work is preferred; experience in East Asia or Southeast Asia is a plus; experience with USG is a plus.

- g. Experience in and understanding of 22 CFR 216 compliance is desirable.
- h. Experience and ability to evaluate and lead toxic substances/hazardous waste and restoration activities, and to judge and mitigate potential environmental impacts and health and safety impacts of proposed assistance activities are desirable.
- i. Experience in managing staff and budgets are required; and management of diverse staff in a cross cultural environment is preferred.

2. Technical Skills and Knowledge

- a. The candidate must demonstrate strong project and program management skills as well as strong knowledge and experience with environmental assessments/ impact assessments and toxic substances/hazardous waste remediation and management policies and practices in the U.S.; knowledge of USAID environmental regulations, policies, environmentally sound design, and reporting requirements is highly desirable.
- b. The candidate must demonstrate strong team building and management skills, including an ability to build and foster effective partnerships and cooperation with a diverse workforce, various government counterparts (both U.S. and Vietnamese), and project contractors
- c. The candidate must demonstrate an ability to establish and monitor project budgets.

3. Communication Skills/Computer Skills:

- a. Strong interpersonal skills; ability to foster and facilitate teamwork and consensus, and to work on a team. Must possess excellent writing and communication skills, the ability to craft and effectively give technical presentations in a written and oral form, and excellent leadership and collaboration skills. Sensitivity to cultural, religious, gender, ethnic and age differences is essential. Flexibility, patience, and conflict/problem-solving skills demonstrated in a cross-cultural environment are required. The incumbent must be able to demonstrate strong written and oral communication skills, including the ability to analyze a variety of multi-sector and multi-discipline data.
- b. The candidate must demonstrate proficiency in word-processing, spreadsheets, databases and other computer applications (i.e. Microsoft Office, Excel, PowerPoint, etc.).

4. Language Proficiency: Level V, strong written and oral proficiency in English is required Vietnamese language proficiency is a plus. Given the nature of the position, effective written and oral communications are absolutely critical to perform successfully in this position. Incumbent must be able to communicate effectively and accurately with:

- a. All categories of Mission employees;
- b. Local government officials at the minister level and lower;
- c. Numerous international and local organizations, donors and other embassies;
- d. USAID/Washington, the Regional Environmental Advisor for Asia, and USAID's Regional Development Mission for Asia (USAID/RDMA) in Bangkok.

O. Selection Criteria: Applicants will be evaluated on the extent and quality of their education, relevant experience, language and work skills as they relate to this position against the following criteria:

1. Education and Experience:	35 Points
2. Technical Skills and Knowledge:	35 points
3. Communication Skills/Computer Skills:	20 points
4. Language Proficiency:	10 points
Total:	100 points

P. Selection Process:

After the closing date for receipt of applications, a committee will be convened to review applications and evaluate them in accordance with the evaluation criteria. Applications from candidates which do not meet the required selection criteria will not be scored. As part of the selection process, finalist candidates may be interviewed either in person or by telephone at USAID's discretion. Reference checks will be made only for applicants considered as finalists.

If an applicant does not wish USAID to contact a current employer for a reference check, this should be stated in the applicant's cover letter, and USAID will delay such reference check pending communication with the applicant. **Only finalists** will be contacted by USAID with respect to their applications. The final selected candidates must obtain security and medical clearances within a reasonable period of time (USAID will provide details regarding these clearances to the selected candidates). A substantial delay in obtaining either required clearance will make the applicant ineligible for selection.

- End of ATTACHMENT 1 -

ATTACHMENT 2: PSC Contractor Benefits (As allowable under applicable regulations)

AS A MATTER OF POLICY, AND AS APPROPRIATE, AN INDIVIDUAL MEETING THE REQUIREMENTS OF OFFSHORE HIRE USPSC IS NORMALLY AUTHORIZED THE FOLLOWING BENEFITS:

1. Fringes Benefits and Allowances

- (i) The employer's FICA contribution for retirement purposes.
- (ii) A contribution against the actual cost of the PSC's annual health and life insurance costs. Proof of health and life insurance coverage and its actual cost to the PSC shall be submitted to the Contracting Officer before any contribution is made.
 - (A) The contribution for health insurance shall not exceed 50% of the actual cost to the PSC for his/her annual health insurance, or the maximum U.S. Government contribution for a direct-hire employee, as announced annually by the Office of Personnel Management, whichever is less. If the PSC is covered under a spouse's health insurance plan, where the spouse's employer pays some or all of the health insurance costs, the cost to the PSC for annual health insurance shall be considered to be zero.
 - (B) The contribution for life insurance shall be up to 50% of the actual annual costs to the PSC for life insurance, not to exceed \$500.00 per year.
- (iii) PSCs shall receive the same percentage pay comparability adjustment as U.S. Government employees subject to the availability of funds.
- (iv) PSCs shall receive a 3% annual salary increase subject to satisfactory performance documented in their annual written evaluation. Such increase may not exceed 3% without a deviation. This 3% limitation also applies to extensions of the same service or negotiations for a new contract for the same or similar services unless a deviation has been approved.
- (v) PSCs shall receive the following allowances and differentials provided in the State Department's Standardized Regulations (Government Civilians Foreign Areas) on the same basis as U.S. Government employees:
 - (A) Temporary lodging allowance (Section 120)
 - (B) Living quarters allowance (Section 130),
 - (C) Post allowance (Section 220),
 - (D) Supplemental post allowance (Section 230),
 - (E) Separate maintenance allowance (Section 260),
 - (F) Education allowance (Section 270),
 - (G) Educational travel (Section 280),
 - (H) Post differential (Section 500),
 - (I) Payments during evacuation/authorized departure (Section 600), and
 - (J) Danger pay (Section 650).

Other Benefits: Additional benefits are available for individuals hired from outside Vietnam in accord with the AIDAR, e.g., international airfare from place of residence, R&R, international shipment of personal effects, furnished housing and educational allowances for dependent children.

2. Federal Taxes: USPSCs are not exempt from payment of Federal Income taxes.

3. Contract Information Bulletins (CIBs.) and Acquisition and Assistance Policy Directives (AAPDs) Pertaining to PSCs

AAPDs/CIBs contain changes to USAID policy and General Provisions in USAID regulations and contracts. Please refer to <https://www.usaid.gov/work-usaid/aapds-cibs> to determine which AAPDs/CIBs apply to this contract.

- End of ATTACHMENT 2 -

ATTACHMENT 3: Dual Citizenship Policy

POLICY-REMINDER

USAID/General Notice
SEC
05/16/2002

Subject: Dual Citizenship Policy

1. The purpose of this notice is to explain existing national and USAID policy for all employees and to inform potential applicants for Civil Service, Foreign Service and USAID contract positions of the possible effects of dual citizenship on security clearance determinations. Dual citizenship can present a security issue in whether to permit access to classified information, thereby affecting recruitment, employment and assignments. The general information herein may also be found in State 54446, dated March 21, 2002 which outlines Department of State and Diplomatic Security policy as it concerns dual citizenship in personnel security matters.
2. USAID security clearance evaluations and determinations are the responsibility of the USAID Office of Security (SEC). SEC is required to consider dual citizenship in conducting personnel security investigations and making security clearance evaluations/determinations in accordance with Executive Order (E.O.) 10450, E.O. 12968, and the March 24, 1997 Adjudicative Guidelines.
3. Security clearance evaluations/determinations must ensure that access to classified information for a specific individual is "clearly consistent with the interests of national security." Under the adjudicative guidelines, "any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security." When making such a determination, SEC must consider all available information, both positive and negative. This is the "whole person" concept. Dual nationality is a relevant element in some cases. While U.S. citizenship is a basic eligibility requirement to be considered for access to classified information, it does not automatically confer the right to a security clearance. Dual citizenship must be considered in context of other circumstances in an individual's background.
4. USAID has not implemented, and does not intend to implement, a "blanket rule" regarding dual citizenship. In making security clearance determinations, SEC will continue to evaluate dual citizenship issues on a case-by-case basis. Applicants will be required to complete a Dual Citizenship Questionnaire as part of their application and may answer questions about these issues during a subject interview. Current employees will not generally be questioned about any foreign citizenship until the regularly scheduled periodic reinvestigation when they will also be required to complete a Dual Citizenship Questionnaire. Should an event trigger a review of an employee's access eligibility before their routine update, any foreign citizenship will be addressed at that time.
5. Facts about any subject's conduct and behavior developed through required background investigation are weighed against criteria in the adjudicative guidelines. SEC must be able to determine that granting access to classified information is clearly in the national security interest. A fundamental adjudicative principle is that the mere absence of derogatory information is not sufficient grounds to grant a security clearance. The government must, through an appropriate investigation and evaluation, establish a personal and professional history that positively affirms the individual's judgment, reliability, trustworthiness and loyalty to the United States. If there is any doubt about unquestioned preference for and allegiance to the United States, unencumbered by any undue foreign influence, SEC must render a determination in favor of the national security and determine the individual ineligible for access. These same adjudicative principles are used in all federal personnel security programs.
6. The evaluation element presented by dual citizenship is that it could raise an issue of possible divided loyalty to the United States. Title 32 C.F.R. 174.5, Adjudicative Guideline C, Foreign Preference, provides:
 - (a) The concern: When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States.

(b) Conditions that could raise a security concern and may be disqualifying include:

- (1) The exercise of dual citizenship;
- (2) Possession and/or use of a foreign passport;
- (3) Military service or a willingness to bear arms for a foreign country
- (4) Accepting educational, medical or other benefits, such as retirement and social welfare, from a foreign country;
- (5) Residence in a foreign country to meet citizenship requirements;
- (6) Using foreign citizenship to protect financial or business interests in another country;
- (7) Seeking or holding political office in the foreign country;
- (8) Voting in foreign elections;
- (9) Performing or attempting to perform duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(c) Conditions that could mitigate security concerns include:

- (1) Dual-citizenship is based solely on parents' citizenship or birth in a foreign country;
- (2) Indicators of possible foreign preference (e.g., foreign military service) Occurred before obtaining United States citizenship;
- (3) Activity is sanctioned by the United States;
- (4) Individual has expressed a willingness to renounce dual citizenship.

7. To illustrate the SEC evaluation process regarding dual citizenship, some examples that have arisen recently are provided below. SEC's goal is to maintain consistency in its determinations. There may appear to be many similarities between cases, however, individual circumstances vary greatly and may not be known to the hiring entity. While not all inclusive, the following examples give an indication of how such factors are evaluated and determinations made:

Example A: A subject derived foreign citizenship from his or her parents. In this case, SEC would examine whether or not the subject has exercised the foreign citizenship: by accepting educational, medical or social welfare benefits for himself/herself or family; possessing and using the foreign passport; serving in the foreign military; working for the foreign government; etc. In the absence of the subject's exercising foreign citizenship, and if subject's current and past actions consistently demonstrated preference for and allegiance to the United States, then dual citizenship would not preclude a security clearance.

Example B: A subject only recently became a naturalized U.S. citizen through marriage and has no previous ties to the United States. In this case, SEC could not likely grant an immediate security clearance, since the demonstrated loyalty requirement could not be satisfied immediately. Eligibility for access could be reconsidered after a passage of time during which the subject would have the opportunity to clearly demonstrate preference for and unquestioned allegiance to the United States, and in the absence of any undue conflicting influence, as required by the referenced guidelines.

Example C: A subject was born in the U.S. as the child of foreign visitors. The subject left the U.S. in infancy, never returned and has no ties or history which indicates a preference for and allegiance to the United States. SEC would not have the background information required to grant a security clearance.

Example D: A subject is a naturalized U.S. citizen and dual national who is willing to relinquish his foreign passport but is not/not willing to renounce foreign citizenship of birth. The subject explains that the reason for this position is: (1) So that children can continue to enjoy free foreign education benefits; (2) For possible future employment opportunities; and (3) For foreign inheritance purposes: SEC would not be able to clearly determine the individual's preference for the United States, sufficient to grant a security clearance.

8. SEC will continue adjudicating security clearances pursuant to the "whole person" concept. The fact that a person holds citizenship with another country, as well as citizenship with the United States, does not automatically result in a security clearance denial. Conversely, the simple renunciation of foreign

citizenship would not necessarily result in granting a clearance. An individual must demonstrate unquestioned allegiance to the United States, preference for the United States over any other country and also be free from any undue foreign influence. If this cannot be established, a security clearance cannot be granted. Where a newly naturalized citizen is seeking USAID employment, SEC may be unable to adequately investigate the person's background in the country of origin or elsewhere to make this determination. When SEC is unable to clear a new entrant, SEC will so inform HR, and HR will take steps to withdraw the offer.

9. Should SEC make an unfavorable determination on a security clearance, E.O. 12968 guarantees appeal rights to applicants and employees alike. In cases of appeal, the Agency's final clearance determination is rendered by a panel consisting of the Director of Security (D/SEC), the Deputy Assistant Administrator for Human Resources (DAA/M/HR) and the Assistant General Counsel for Ethics and Administration (GC/EA). Information on the Agency's appeal process can be found in ADS 566.3.12.2.

10. Dual citizenship also presents an issue in the assignment of staff to overseas posts. For example, the Vienna Convention on Diplomatic Relations does not provide diplomatic privileges and immunities for dual nationals; most countries do not unilaterally grant such privileges and immunities. ADS 566.3.12.1 also describes the potential for exclusion from assignments due to conflicts of interest related to an individual's foreign connections.

11. Human Resources and appropriate Mission staff should ensure that these policies are made known to potential applicants at the earliest possible stage of the recruitment process.

Point of Contact: Any questions concerning this Notice may be directed to Jeff Denale, Branch Chief, SEC/PIDS/PS, (202) 712-1264.

Notice 0535

- End of ATTACHMENT 3 –

END OF SOLICITATION